

Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination against individuals with a disability in any program receiving Federal Financial Assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (Title II or ADA) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (collectively, Section 504/ADA), an individual must 1) have a physical or mental impairment that substantially limits one or more major life activities, 2) have a record of such an impairment, or 3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Bethany Board of Education (Board) recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians, and members of the public who participate in school-sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the Board prohibits discrimination against any person with a disability in any of the services, programs, or activities of the Bethany Public School District (District).

The District has specific responsibilities under Section 504/ADA to identify, evaluate, and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The District's obligation includes providing access to a Free Appropriate Public Education (FAPE) for students determined to be eligible under Section 504/ADA. Under Section 504/ADA, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met and that are provided without cost (except for fees imposed on non-disabled students/parents/guardians).

If a student's parents/guardians disagree with the decisions made by the professional staff of the District with respect to the identification, evaluation, or educational placement of their child, such parents/guardians have a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the District by utilizing the grievance/complaint procedures outlined in the Administrative Regulations and/or may file a complaint with the:

Office for Civil Rights
Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: (617) 289-0111
Email: OCR.Boston@ed.gov

Anyone who wishes to file a grievance/complaint with the District or who has questions or concerns about this policy should contact Cheryl Kiesel, Section 504/ADA Coordinator for the Bethany Public School District at phone number (203) 393-1170 x807.

Legal References: 29 U.S.C. §§ 705, 794
28 C.F.R. Part 35
34 C.F.R. Part 104
42 U.S.C. § 12101 et seq.
Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>.
Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973, Office for Civil Rights (July 2022), available at <https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf>
Dear Colleague Letter, United States Department of Education, Office for Civil Rights (January 19, 2012)

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